

A TALE OF TWO
CONVICTED COP KILLERS:

Why Mumia Abu-Jamal

Is Not

Winston Silcott

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A Tale Of Two Convicted Cop Killers

Murder At The Farm

In October 1985, serious public disorder broke out on a North London housing estate. The Broadwater Farm riot was sparked by the death of an overweight black woman named Cynthia Jarrett who dropped dead of a heart attack during a police raid on her home. The riot itself resulted most tragically in the now notorious murder of 40 year old police constable Keith Blakelock. The unfortunate victim was literally hacked to death by savages, and unsurprisingly as ever when one of their own are cut down, Britain's finest moved into action in double quick time and with their by now *de rigueur* lack of finesse. Six people were eventually to stand trial for this senseless murder - three juveniles and three adults - the adults were convicted, and the alleged ringleader, Winston Silcott, seemed destined to stand forever in the halls of infamy alongside the likes of fellow cop killer Harry Roberts, serial murderer Peter Sutcliffe, and multiple child killer Myra Hindley. (1)

A most unflattering photograph of Silcott grinning like a Cheshire cat was circulated far and wide; its message was simple: this is the face of a cop killer, although the fact that Silcott is black also lent its use to exploitation by both the far right and by so-called "anti-racists". The reality though is that race is not an issue in this case, nor is it in the case of Mumia Abu-Jamal - shortly to be discussed - but the cynical manipulation and gerrymandering of such tragedies by people with political and/or racial agendas over the past two decades and more - what has become known as "playing the race card" - has become depressingly familiar on both sides of the Atlantic. (2)

After the conviction of the three who were to become known as "The Tottenham Three" a shocking revelation was made: Silcott had done it before. At the time of the murder of Keith Blakelock he was actually out on bail after being charged with the murder of boxer Anthony Smith. That sealed things, didn't it? The only question was how could a monster like Silcott have been granted bail on a murder charge in the first place?

That question was premature, to put it mildly, because on November 25, 1991 after years of campaigning, Winston Silcott was cleared of the murder of Keith Blakelock by the Court of Appeal. Silcott's co-accused, Mark Braithwaite and Engin Raghip, were also cleared (3) so the question of who actually murdered Keith Blakelock remains unanswered. The only "evidence" against Silcott was a supposedly contemporaneous (and unsigned) witness statement (4) which was later proved by forensic tests to have been manufactured after the event. (5)

Two police officers were subsequently sent for trial as a result of the inquiry into the fit-up of The Tottenham Three. As was to be expected, they were acquitted. (6) In July 1992, Detective Chief Superintendent Graham Melvin was committed at Bow Street Magistrates Court on charges of perjury and perverting the course of justice; Detective Inspector Maxwell Dingle was committed on a charge of conspiring with him. (7) Melvin retired in November 1994; he'd been suspended since November 1991, (8) presumably on full pay. Nice work if you can get it.

Melvin's dirty work was not limited to framing Silcott. Silcott's co-convicted Mark Braithwaite was denied access to a solicitor for twelve days! (9) Another suspect, 13 year old Jason Hill, who was also charged with the murder, was kept in his underpants and given only a blanket while he was interrogated for three days while being denied access to a solicitor and to his parents. Melvin was at least found guilty of four disciplinary offences in this connection. (10)

Although as his supporters claim, Winston Silcott was indeed demonised by the media as much as by the police, he is not quite the little angel that some people would have us believe.

A TALE OF TWO CONVICTED COP KILLERS

He was after all convicted of the murder of Anthony Smith, and remains in gaol to this day. Prior to his arrest for this murder he had eight previous convictions going back as many years. Only one of these, for malicious wounding, involved violence, an offence for which he received a six month sentence, but perhaps just as significantly he had been tried for murder before. In 1980, Silcott was cleared of murdering Leonard McIntosh. A retrial was ordered when the jury in the first trial couldn't agree. (11) Of course, the fact that Silcott was convicted of a subsequent murder doesn't mean that he should also have been convicted of the first one, but for something as comparatively rare as murder it does suggest that Silcott was accident prone at the very least.

Murder On The Highway

Which brings us to the case of Mumia Abu-Jamal, who was also convicted of the murder of a police officer, in 1982, and like The Tottenham Three has been the subject of intense campaigning. Like Winston Silcott, Abu-Jamal remains in gaol, but unlike Silcott who may one day taste freedom, Abu-Jamal is likely to remain on Death Row until he is eventually executed. Although the campaign to clear Silcott and his two co-accused was intensive, it was not of the same scope or on the same scale as the campaign on Abu-Jamal's behalf. In the age of the Internet and the World Wide Web Abu-Jamal's supporters have set up websites and mailing lists to lobby for a retrial. Abu-Jamal has also published a book of his prison writings as well as engaging in numerous journalistic assignments from Death Row.

An uninformed observer might conclude that there are disturbing similarities between the framing of The Tottenham Three and the conviction of Abu-Jamal, certainly if he relied on the biased, distorted and often blatantly dishonest reporting of Abu-Jamal's many and vocal supporters.

The creeping left wing magazine *CARF* carried an inset on Abu-Jamal in a 1999 issue. Obviously based uncritically on a press release, *CARF*'s readers were told that Abu-Jamal is a political prisoner, which he certainly is not, and that he was "sentenced to death in 1982 after a rigged trial on charges of shooting a policeman". (12) Incredibly, *CARF* managed to publish this item without once using its controllers' favourite word: *racism*. (13)

A leaflet which turned up here in London announces that Abu-Jamal (14) was

FRAMED

for a murder he didn't commit.

SENTENCED

after a rigged and racist trial.

CONDEMNED

for working to expose police brutality.

The leaflet calls on its readers to demand justice for Abu-Jamal before it is too late. However, anyone who does a little probing will swiftly realise that what Abu-Jamal needs is not justice but a reality check. Apart from the colour of his skin Abu-Jamal has only two things in common with Winston Silcott; the first is that he is a liar. (15)

Political Prisoner?

The facts about "political prisoner" Mumia Abu-Jamal as presented by his supporters are that he is "a prominent radio journalist" who was committed to the poor and the black communities of Philadelphia as well as a strident critic of the city's "racist police force". (16) In 1981 he saw his brother being beaten up by police officer Daniel Faulkner, ran to defend him and was shot in the stomach. That much is certainly true, Abu-Jamal was indeed shot by Faulkner. The officer was then shot and killed, not by Abu-Jamal, but by an unidentified man who subsequently fled the scene of the crime. Although Abu-Jamal was carrying a gun, this was a .33 calibre while the murder weapon fired a .44 calibre bullet.

Witnesses who testified at the trial have subsequently claimed they were intimidated into perjuring themselves by the police. Testimony supporting Abu-Jamal's version of events was suppressed or ignored; Abu-Jamal's attorney was incompetent, and his client was not permitted to defend himself. Abu-Jamal was sentenced to death solely on the basis of his political beliefs and to make sure that he was convicted, no less than eleven African-Americans were struck from the jury.

"We" - that's us - have got to stop "the execution of a man who has not committed any crime, except that of speaking out against oppression and violence."

A contact phone number for the London Mumia Support Group is given on the leaflet: 0171 326 0353. On the morning of April 14, 1999 I dialled this number and received a number not available message. I was informed by the operator that since March there had been no customer on that line.

If the London number is no longer functioning, the websites are. One of the Abu-Jamal websites publishes a precis of the book by American lawyer Leonard Weinglass who has taken up Abu-Jamal's case. Among other things this site claims that:

The Commonwealth withheld materially favorable evidence from the defense, and knowingly used false evidence. Evidence withheld and false evidence include the following:

...statements by an eyewitness, indicating that another individual, not Mumia, was the shooter, that the actual shooter fled the scene, and that a critical prosecution witness was actually not present at the scene.

And that

Mumia was effectively barred from presenting crucial evidence that he had not made any incriminatory statements. Consequently, the prosecution's claim that Mumia had confessed to the shooting of Officer Faulkner remained unrebutted.

And that

The court unjustifiably banished Mumia on numerous occasions from the trial proceedings, thereby violating his right to self-representation, his right to assist in his own defense, and his right to confront the prosecution's witnesses.

And that

The jury pool from which the jury was selected was not a product of a random cross-section of the community.

A TALE OF TWO CONVICTED COP KILLERS

And that

A medical examiner's report states that Faulkner's wounds were made by a .44-cal gun, but Mumia had a .38. This key evidence was withheld from Mumia and his defense in his 1982 trial. Moreover, a weapons expert found it incredible that the police at the scene of the shooting failed to test Jamal's gun to see if it had been recently fired or to test his hands to see if he had fired a weapon. (17)

These are serious criticisms and, if true, would give genuine cause for concern that a miscarriage of justice had indeed been perpetrated. The current writer has read Weinglass's book *Race For Justice* where these criticisms are amplified. Fortunately the book has been written with such an outrageous spin that no critical person could read it without doubting both the noble intentions and the veracity of the author.

The book, which runs to over 270 pages, carries the insinuation of *racism* throughout the text. This word is a much over-used epithet and can mean practically anything its users want it to mean, but let us assume that in this context it means that Abu-Jamal was treated unfairly by the system because he was black, notwithstanding any other possible reasons. Abu-Jamal was convicted of the murder of Daniel Faulkner on July 2, 1982. One of his problems, according to Weinglass, was "his younger brother's inability or unwillingness to testify on his behalf." This, we are told, is because his brother is said to have "a history of drug problems and was terrified of police retribution". (18)

Prosecution witness Cynthia White - a prostitute - had allegedly been schooled by the police repeatedly to give "correct evidence" (my quotes). (19)

Abu-Jamal was repeatedly excluded from the court during the trial, (20) something which sounds remarkable but which sounds less remarkable when the full facts - which Weinglass does not present here - are known.

Four witnesses are alleged to have seen someone else fleeing from the crime scene. (21)

The prosecution is said to have withheld evidence, including statements relating to the alleged killer and the fact that a prosecution witness allegedly failed to identify Abu-Jamal. Robert Harkins, a taxi driver, said he could identify the killer but was unable to pick out Abu-Jamal from a photographic array. (22)

Abu-Jamal was said, falsely, to have confessed to the killing and "was effectively barred from presenting crucial evidence that he had not made any inculpatory statements. As a result, the prosecution's claim Mr. Jamal had confessed to the killing of Officer Faulkner was never actually challenged at trial." (23)

This is an outright lie, and next to the ludicrous protestations of Abu-Jamal's innocence is the biggest lie of all.

The defence was said to have suffered severe financial restrictions. (24) This is a serious criticism - if true - but in view of the weight of the evidence against Abu-Jamal it is doubtful if even O.J. Simpson's extremely expensive lawyers could have bought him his freedom.

While Abu-Jamal's supporters have been extremely vocal, his detractors have, unfortunately, largely been muted, barring calls for the death sentence to be carried out without further delay. The current writer contacted the District Attorney for Philadelphia and the Philadelphia Police Department as well as the *Philadelphia Inquirer* newspaper, the latter of which has covered the Abu-Jamal case extensively. I received no replies. However, DA Lynne Abrahams did publish an article about the case in the *New York Times* in 1995, and that, combined with an excellent essay by local journalist Paul Mulshine in the 1997 book *The Race Card*, an in-depth article on the case published in *Vanity Fair* magazine (several months after I began researching this monograph), the book by Weinglass, and a handful of other reports ranging from fairly neutral to slavishly pro-Abu-Jamal, allows us to piece together a reasonably objective picture of the true facts of this case. In the light of this, how Abu-Jamal ever became a *cause célèbre* remains a mystery.

A TALE OF TWO CONVICTED COP KILLERS

The slaying of Daniel Faulkner was reported briefly in the *New York Times* of Sunday, December 13, 1981. Abu-Jamal - formerly known as Wesley Cook - was said to be 27 years old, a freelance reporter and the retiring president of the local chapter of the Association of Black Journalists. There were said to have been four civilian witnesses to the shooting.

Abu-Jamal had (in his youth) been a Black Panther Party spokesman. He was said to have been working for a radio station, WUHY-FM, earlier in 1981. His brother was released on \$10,000 bail on the Friday. This report was filed Saturday, December 12. (25)

Curiously, for such a prominent radio journalist who hit the headlines in a big way, Abu-Jamal is not listed in the *Black Newspaper Index* for the last quarter of 1981 nor for the whole of 1982, which indicates that the word prominent has been used rather liberally. In fact, as Paul Mulshine points out, at the time of the murder of Daniel Faulkner, Abu-Jamal had only the most tenuous of contacts with journalism, he made his living by driving a cab. (26) In Britain, the National Union of Journalists has taken up the cause of "innocent" Mumia Abu-Jamal, and even made him an honorary member of the union in 1995, (27) although one correspondent writing to the Union's official journal from New York exercised a little more critical faculty than most when he pointed out that the reference to Abu-Jamal being a journalist is "not exactly correct". He was fired from his job for his overt advocacy of "a black political party" (the MOVE organisation) and became a taxi driver. (28)

Abu-Jamal: The Best Case For The Defence Deconstructed

Now let us turn to the book by attorney Leonard Weinglass and compare what he says with the facts of the case. On page 20 he tells us that during the trial, Abu-Jamal was repeatedly excluded from the court. What was the reason for this? According to Weinglass on page 86, Abu-Jamal's desired representative, John Africa, was not a member of the bar. This is as good a reason as any for denying any accused his desired representation. In Britain an accused (or either party in civil proceedings) may represent himself and have the assistance of a McKenzie Friend, (29) but he must conduct his own case. (30) When the trial judge, Albert Sabo, refused to permit John Africa to join the defence team, "Jamal responded by disrupting the trial and playing to the audience, which was composed largely of MOVE members...After warning him several times to cease disrupting the proceedings, Sabo would have Jamal removed from the courtroom and let his backup attorney, Anthony Jackson, handle the defense. Then Jamal would return for a while, until his next disruption." (31)

Weinglass and the rest of Abu-Jamal's vocal supporters are strangely silent about this. Or perhaps not so strangely, because as Mulshine rightly points out, those who worship in the cult of Mumia Abu-Jamal are allergic to the facts, (32) something which is a necessary prerequisite for many political and lobbying causes, of course.

Obviously it cannot be satisfactory to run a trial, any trial, in such a fashion, but Abu-Jamal was largely if not entirely to blame.

Earlier, on page 15 of his book, Weinglass claims that Cynthia White - a prostitute - had allegedly been schooled by the police repeatedly to give "correct evidence". Another prostitute who allegedly witnessed the slaying of Daniel Faulkner at 4am at the junction of Broad and Locust was 20 year old Veronica Jones. She was said to have been visited in gaol by detectives where she was awaiting trial on serious charges and threatened with a ten year gaol sentence if she gave evidence in Abu-Jamal's favour. (33)

This may be true, but it is more likely that the officers were warning her of the consequences of committing perjury or of failing to testify. Ordinary people are often reluctant witnesses in

A TALE OF TWO CONVICTED COP KILLERS

criminal trials for all sorts of reasons, not the least being that it can be inconvenient and boring hanging around a court building for hours or even days on end in order to give evidence. A prostitute might also be reluctant to be so identified and to be subjected to public cross-examination concerning her trade and antecedents by an aggressive defence lawyer.

Abu-Jamal's supporters have been aided by inconsistencies in the eyewitness evidence. In her 1995 *New York Times* article on the Abu-Jamal campaign, Philadelphia DA Lynne Abraham refers contemptuously to "The Fleeing Stranger Theory". Abu-Jamal's supporters claim that "several witnesses saw the 'real' shooter escape. The reality is that after years of empty assertions, the defense only recently presented testimony from these 'witnesses.'...Essential parts of their stories contradict one another and don't square with the physical vestiges of the crime. The only witnesses whose testimony agrees with the known facts came forward immediately after the crime." (34)

Abraham is also dismissive of the claim that the defence was starved of funds. "Mr. Abu-Jamal's supporters say he was forced to accept a novice lawyer [and] was given no money for preparations... (35) The record shows that the court paid the lawyer, that the defense received additional public and private funds and that the lawyer hired an investigator who worked on the case for months before and during the trial." Nor was the lawyer a novice, she says.

Paul Mulshine is just as contemptuous of the attempts to absolve Abu-Jamal and says there are "at least four separate and mutually exclusive theories of what happened that night...In this latest hearing, the defense one day produced a witness who said that Faulkner was shot by a passenger in William Cook's car and on another day produced a witness who said Faulkner was shot by a guy with 'Johnny Mathis hair' who drove up to the scene in the middle of the action..." (36)

Both Abraham and Mulshine are in danger of going over the top in the same way - although in the opposite direction - as Abu-Jamal's supporters. What are we to make of the claim made by Weinglass earlier that taxi driver Robert Harkins failed to identify Abu-Jamal as the killer?

There are serious problems with eyewitness evidence, even when the witnesses are sincere, willing, and have no reason or motive to lie. In Britain, when eyewitness evidence is crucial a judge must in his summing up to a jury administer a Turnbull Warning, which is named after a Court of Appeal case. (37) I have personal experience of the problems the police face with eyewitness testimony. A few years ago I witnessed an attempted armed robbery at the Abbey National building society in Catford. Shortly, two detectives turned up at my flat to take a statement and I was asked what colour was the robber? White, I said. Are you sure? I was asked; at least one witness had claimed he was black. Granted, there are black men who can pass for white and white men who are dark complexioned, but at the end of the day there were two, perhaps several, conflicting statements.

The murder of Daniel Faulkner took place at 4am on a December morning; the incident was sudden, totally unexpected, and traumatic. It is hardly surprising that several witnesses should give different accounts of what happened. It is quite conceivable that one man failed to identify Abu-Jamal as the assailant, and it is just as conceivable that someone mistakenly thought they saw the killer (or someone) fleeing from the crime scene. But one must consider the weight of the evidence, and in this case there is plenty of it.

I don't know if anyone was apprehended for the Catford building society robbery, certainly I was never called upon to give evidence, but suppose the police had arrested a suspect and found his fingerprints at the scene, CCTV evidence, and forensic evidence at his flat. Would that mean that a conviction would be unsafe if one witness said the perpetrator was black, another white and a third that the robber was a woman?

Did police officers verbal up witnesses to give "correct evidence" in the Abu-Jamal case? This sort of thing happens all the time - as I know from personal experience - it may even happen subconsciously, but there is no meaningful evidence that Abu-Jamal was fitted up. At worst it appears that witnesses - some of whom were of dubious character - were reminded of

the consequences of failing to testify truthfully. Neither Weinglass nor any other of Abu-Jamal's supporters has adduced any meaningful evidence that the police suppressed or doctored any of the prosecution evidence, in fact the only hard evidence of such doctoring is by the likes of Weinglass.

At two hearings in 1995 and 1996, the defence produced six alleged witnesses, one of whom gave ludicrous "evidence", including claiming to have heard Faulkner's last words; he also said Faulkner had been shot by a passenger in Cook's car. Three had previously claimed or claimed during these hearings that they hadn't seen the shooting; another said Faulkner had been shot by two different people, while the sixth substantiated the prosecution case! (38)

The eyewitness evidence is not the only evidence that has been doctored by the defence; there is also the manufactured controversy over the calibre of the bullet which killed Daniel Faulkner.

The reader will recall that the leaflet the current writer picked up in London claims that Abu-Jamal's gun was a .33 calibre weapon while Daniel Faulkner was shot with a .44 calibre. Weinglass claims that Abu-Jamal didn't fire his gun at all! (39) Actually, Abu-Jamal's gun was a .38 calibre. According to the Mazelis World Wide Web article (already cited), "Mumia's gun, a .38, could not have fired such a bullet. Moreover, the police allegedly failed to conduct a test to determine if Mumia's gun had even been fired recently, or a routine test to see if he had recently fired any weapon." Note the qualification there: "allegedly".

The DA takes a somewhat different view of this: "Abu-Jamal supporters contend he couldn't be guilty because Officer Faulkner was killed with a .44-caliber bullet, not the .38-caliber bullet from Mr. Abu-Jamal's gun. This assertion is based on a handwritten note on a medical examiner's pre-autopsy worksheet. But the examiner who made the notation testified that he was no weapons expert and could not precisely measure the bullet. The real expert who examined the bullet determined conclusively that it was a .38 caliber. That bullet still exists. It has been made available to the defense, whose expert refuses to look at it but concedes that all the documentation supports the prosecution's evidence that the bullet is a .38. If the Abu-Jamal legal team could have disproved the expert assessment and shown that the .38 was a .44, it would have done so." (40)

Forensic tests were conducted, albeit rather belatedly, and they proved inconclusive. (41) Under the circumstances - the fact that Abu-Jamal was found lying at the scene with the murder weapon at his feet, with several eyewitnesses to boot - one can forgive the police for failing to give immediate forensic testing of the weapon or of Abu-Jamal himself the highest priority; the thought that he might actually deny shooting Faulkner probably never entered their heads. (In fact, as we shall see in due course, he never has!)

Now for the biggest lie of all, Abu-Jamal had allegedly confessed to the murder, probably by screaming something like "I shot the motherfucker" as he was dragged off to hospital, himself in a critical condition. This confession, boast, or whatever, was ruled admissible, so Abu-Jamal was "effectively barred from presenting crucial evidence that he had not made any inculpatory statements. As a result, the prosecution's claim Mr. Jamal had confessed to the killing of Officer Faulkner was never actually challenged at trial."

Why wasn't this apparently so crucial piece of evidence challenged at trial? Because Abu-Jamal did not give evidence, that's why not! This is the other thing Mumia Abu-Jamal has in common with Winston Silcott, but unlike Silcott he has no excuse for failing to testify. And at this point we must introduce one of the major defects of the British legal system: the shield against cross-examination.

A Serious Legal Defect

A while ago I was informed by a barrister that evidence of a defendant's previous convictions is not introduced by the prosecution in criminal cases because it is regarded as so prejudicial that it will, all things being equal, lead to the conviction of the accused, period. This opinion appears to be held right across the board. Actually it isn't true, as I know from personal experience, but as I said it is nevertheless widely accepted, and a defendant's previous convictions cannot be introduced by the prosecution to blacken his character, but there is a price to pay. If a defendant, either in person or through his counsel, attacks the character of a prosecution witness, then he will lose his shield against cross-examination on his previous convictions.

Now there is a method in the madness here, let us suppose that the defendant in a rape case is accused of raping a fourteen year old girl in the park: dragging her into the bushes and having his way with her. His defence is that he met the girl in the local boozer, she told him she was seventeen, propositioned him, then screamed rape when her parents found out she'd been having sex with strange men.

If that were to happen the prosecution would turn to the trial judge and say "This man has just made a totally unwarranted attack on a perfectly innocent young girl of good character; I think the jury should hear something about his character." Or words to that effect. Under the circumstances no reasonable judge could object, and the defendant would be cross-examined on his antecedents. Now if he had three previous convictions for indecent assaults on young girls, his goose would be well and truly cooked, and rightly so.

Unfortunately, this isn't the way the defendant usually loses his shield. Usually he loses it by attacking the integrity of police officers. That is by accusing them of lying. Many suspects in rape, armed robbery, and other serious cases are arrested not on any meaningful evidence but as a result of police trawls. This is especially so in high profile cases where a terrible murder has been committed and where the police are under pressure from the media, the general public and sundry others to get instant results. A couple of examples which spring to mind are the Rachel Nickell case where a young woman was battered to death on Wimbledon Common in broad daylight in the presence of her young son, and the even more terrible case of the murder of Megan Russell and her daughter in similar circumstances. In such cases the police don't simply collate forensic evidence and take witness statements from people in the area, they go through their database and round up all the known sex offenders and other likely suspects living locally, if only to eliminate them from their inquiries. (42)

Now if they pull in someone they believe to be a likely suspect, or the prime suspect, and he doesn't have an alibi, what is to stop them from verballing him up? How does a suspect deny making a detailed confession to a police officer without accusing him of lying? Does he claim he was cracking a joke? Or that the officer somehow misunderstood what he said? And if this alleged confession is made to several police officers, such denials are likely to diminish his credibility still further.

The *Police And Criminal Evidence Act, 1984* - usually known by the acronym PACE - has gone some way towards eliminating such abuses; police interrogations - I refuse to use the sick euphemism interviews - now have to be taped. Alleged confessions made to police officers in the absence of a tape recording are likely to be excluded by the judge. Winston Silcott's alleged confession was not taped - for obvious reasons. Nowadays the British police wouldn't have got away with verballing up a suspect in this fashion. One hopes. (43)

Silcott was in a difficult position; he already had an appalling criminal record, and by the time of the Blakelock trial he was a convicted murderer. All this had to be kept from the jury and in fact press coverage of Silcott's trial for the murder of Anthony Smith was completely squelched. (44)

As Silcott himself explained in a 1994 interview from Swaleside Prison: "I wanted to go to court to give evidence. But I knew that my previous record and my charge for the murder of Anthony Smith would come out and prejudice the trial. The prosecution would have brought it up, and the jury would think I'm guilty.

If I'd said the police were liars, all my criminal record would have been brought in. By not taking the stand, the previous record didn't come out." (45)

My personal opinion is that an accused should always give evidence in his own defence no matter how appalling his criminal record, unless there are really exceptional reasons - as in the O.J. Simpson case, (see below). The correct approach is to make a submission of no case to answer at the end of the prosecution case, and if this is rejected then it is essential that an accused testify.

That being said, it is difficult to criticise Silcott for failing to do this, but his legal team is a different kettle of fish. Silcott had the misfortune to be represented by Barbara Mills QC, who later went on to become Director of Public Prosecutions until she was forced to resign for persistently refusing to prosecute corrupt police officers. (46) At the trial, Mills made no attempt to challenge the accuracy of the fabricated police record, and didn't even ask for a *voire dire* in which to make a submission to the judge concerning the obvious difficulty of Silcott's giving evidence. The bent copper Melvin spent a grand total of 30 minutes in the witness box! (47)

In 1992 the judge himself told journalist and author David Rose that he would not have allowed Silcott's murder conviction to go before the jury. (48)

That was Silcott's predicament, but Mumia Abu-Jamal is not Winston Silcott; Abu-Jamal had no previous convictions at all, (49) and in fact called a number of character witnesses who testified that he wasn't the sort of person who would murder anyone. (50)

How could Abu-Jamal have not given evidence in this case? It is not of course mandatory for an accused to give evidence, but it is a calculated risk not to put him in the witness box. (51) O.J. Simpson declined to give evidence at his trial for double murder, or rather his legal team decided that to put the functionally illiterate, half-witted (and obviously guilty) Simpson on the stand would be suicidal.

But Abu-Jamal was found at the crime scene with a gun at his feet, and independent witnesses claimed they'd seen him shoot Faulkner. On top of that he was alleged to have confessed to the killing, and Weinglass has the gall to claim that Abu-Jamal was "effectively barred from presenting crucial evidence that he had not made any inculpatory statements." No, he wasn't! He could have taken the stand and said "I didn't shoot him", or words to that effect, but then he would have had to subject himself to cross-examination, and that would have made him a laughing stock.

And what was the nature of this "confession"? The current writer's guess was not a bad one, because the *Vanity Fair* article reports that Abu-Jamal was alleged to have said: "I shot that motherfucker and I hope the motherfucker dies." Officer Gary Bell is said to have reported this only 77 days after the event, while another officer filed a report to the effect that Abu-Jamal had said nothing. Abu-Jamal's supporters make much of this supposed discrepancy, but a woman security guard reported it the next day. She told hospital investigators Abu-Jamal had said: "I shot the motherfucker and I hope the motherfucker dies." (52) Not a world of difference.

Where Were The Defence Witnesses?

One final point regarding Abu-Jamal's possible line of defence, there was another witness who could have been called, his brother, whom he so gallantly attempted to rescue from this alleged act of police brutality, remember?

Weinglass's claim that Abu-Jamal's brother had "a history of drug problems and was terrified of police retribution" is pathetic. And remember what Paul Mulshine said: "the defense one day produced a witness who said that Faulkner was shot by a passenger in William Cook's car". Of course, if that were the case, Cook would have found himself an accessory to murder, but he has never been charged with any offence relating to this cold-blooded slaying because this is a classic open and shut case with one victim and one perpetrator. Are we really expected to believe that Cook was so terrified of police retribution that he refused to give evidence in his own brother's defence? What could he have said other than that Abu-Jamal shot Faulkner? (53)

One other point, the leaflet in Abu-Jamal's defence which proclaims that "We" have got to stop "the execution of a man who has not committed any crime, except that of speaking out against oppression and violence" is more than a touch on the naïve side. The tendency of his defenders to portray Abu-Jamal as a cuddly, dreadlocked teddy bear is totally out of touch with reality. In addition to disrupting his trial, Abu-Jamal was said to have disrupted a pre-trial hearing, calling the judge a bastard and telling him to go to Hell. (54) Most amusingly, an American correspondent who did a World Wide Web search for me came up with a headline from the *Philadelphia Inquirer*, the print out of which does rather dent Abu-Jamal's teddy bear image: *ABU-JAMAL, SENTENCED TO DIE, THREATENS THE JUDGE*. This was published June 26, 1983:

In a final act of courtroom defiance, convicted murderer Mumia Abu-Jamal yesterday threatened the judge who had moments before sentenced him to die in the electric chair, shouting "Judge, you have just sentenced yourself to die."...Several dozen supporters of Abu-Jamal shouted their encouragement to him. "Sabo, you won't be around for the execution," one of them yelled...

What was that about stopping the execution of a man who speaks out against oppression and violence? Still want to free Mumia?

One final point before we move on, Abu-Jamal's reputation as a critic and exposé of police brutality has been made up out of the whole cloth. He had indeed been a promising radio talent, but had gone downhill over a period of time prior to the slaying of Daniel Faulkner. He was said to have done practically no original reporting on alleged police brutality; one informed critic says that the claim that he was some sort of crusader is "a triumph of propaganda over truth". (55) Just like the entire "Mumia is innocent" campaign.

COINTELPRO: The Government Aren't The Only Liars Out There

Returning to the book by Leonard Weinglass, on pages 213-27 he refers to the book *The COINTELPRO Papers*, and even reproduces a document relating to the young Wesley Cook, ie Abu-Jamal. I was familiar with this book, having consulted it some time ago in connection with totally different matters. COINTELPRO is an acronym for the FBI's Counter-Intelligence Program. This was directed initially against political "extremists" of the far left; its targets included both the Black Panthers and pro-race-mixing activists such as Martin Luther King; COINTELPRO was also later used against the far right.

Abu-Jamal's supporters place great emphasis on his youthful involvement with the Black Panthers, and claim that he was set up partly on account of this. The FBI and its fellow travellers obviously still take an interest in Abu-Jamal because the document reproduced on

page 227 of Weinglass's book is very recent. It also states, incorrectly, that Abu-Jamal was convicted of murder in 1983. Some people though are skeptical of the COINTELPRO connection. In his essay *True Lies*, Christopher Rapp comments "The evidence indicates that COINTELPRO was neither far-reaching nor particularly successful." (56) I consulted *The COINTELPRO Papers* wherein the reader is informed that

...Mumia Abu-Jamal, a former BPP member in Philadelphia, convicted and sentenced to death on July 3, 1982, ostensibly for having killed a cop, despite eyewitnesses having identified an entirely different individual as the assailant. On March 6, 1989, the Pennsylvania Supreme Court denied Abu-Jamal's last possible appeal prior to the electric chair even while acknowledging that "genuine doubt" exists as to the killer's identity... (57)

This is very damning, superficially, and the extract above is footnoted. However, when one turns to the footnotes, the source given on page 417 is *Wages of COINTELPRO: The case of Mumia Abu-Jamal*, by Ward Churchill, published in *New Studies on the Left*, Vol. XIV, Nos. 1-2, Spring-Summer 1989, pages 96-9.

Ward Churchill is co-author of *The COINTELPRO Papers*.

Suspicious that Churchill had cited his own work I fished around for a copy of this article; the British Library does not hold *New Studies on the Left*, but through an American contact I managed to obtain a faxed copy of Churchill's article. It contains a great deal of background on Abu-Jamal's involvement with the Black Panthers and so on, but precious little about the murder of Daniel Faulkner. What Churchill does say is revealing, though sadly it reveals more about himself than it does about the incident. Abu-Jamal witnessed the "beating" and moments later

an unarmed Mumia Abu-Jamal was sitting on the curb, a serious bullet wound from a police service revolver in his stomach. Nearby, the patrolman who had been engaged in the beating lay dead, killed by a weapon which was never recovered...Witnesses to the event did not describe Mumia as being the man who shot the cop. Instead, they described a "short" individual of approximately "200 pounds" wearing an "Afro hair-do".

How many lies is that? Was Faulkner beating Cook? There was certainly a struggle, but according to Mulshine, "Cook sucker-punched Faulkner, eyewitnesses said." (58)

Faulkner was "killed by a weapon which was never recovered". As Mulshine says, "Weinglass can nibble at the edges of the evidence all he wants, but he can't get rid of the Charter Arms revolver found at Mumia Abu-Jamal's feet". (59) Nor of the five spent casings found in the gun. (60) Weinglass can't get rid of the gun, but Churchill doesn't even mention it!

"Witnesses to the event did not describe Mumia as being the man who shot the cop." Really, then how about cab driver Robert Chobert who when cross-examined by Abu-Jamal replied: "I saw you, buddy. I saw you shoot him and I never took my eyes off you." (61)

Churchill refers to what he calls an eerie parallel to the 1967 killing of patrolman John Frey in Oakland, California which resulted in the conviction of Black Panther founder Huey Newton for manslaughter, a conviction which Churchill says was subsequently overturned "on evidentiary grounds" because "there was no evidence that Newton had fired a weapon at all".

This is yet another bare-faced lie and an apology for a cop-killer. Newton's conviction was overturned on a technicality; years later Newton boasted to his circle that he had murdered Frey. (62)

Churchill might have alluded to another case in which another black activist gunned down a police officer in (genuinely) disputed circumstances. This was in New Jersey in May 1973 and

the gunwoman - in this case - was Joanne Chesimard aka Assata Shakur. Unlike Abu-Jamal though she - or rather her supporters - do not claim that she didn't actually shoot the cop (or that she wasn't involved in the shoot-out) - but claim he shot first. She was in a car with two other Black Liberation Army members stopped on the turnpike. She was gaoled for life in 1977 but subsequently escaped; she was granted asylum by Cuba in 1984. (63)

The fact that one case has parallels with another is hardly evidence of evil intent by COINTELPRO specialists, which is clearly what Churchill wants his readers to think it is. Sadly the murders of police officers are all too common. In Britain there have been many such murders, including shootings, over the years, and we have already alluded to the Braybrook Street Massacre of 1966, not to mention the hacking to death of Keith Blakelock.

Churchill again: "At trial, the prosecution faced obvious evidentiary difficulties in demonstrating that Mumia had killed anyone at all..." But these were as nothing as compared with the difficulties Abu-Jamal would have faced in explaining away how he had drawn his gun and fired five bullets without killing Faulkner, and that without calling his brother or giving evidence himself. Abu-Jamal was denied the counsel of his choice, says Churchill; again, the representative Abu-Jamal wanted was not qualified to represent him so he made the unwise decision to represent himself, to plead not guilty, and at the end of the trial to threaten to kill the judge!

Churchill again: "...the prosecution capped its performance in its summation by arguing that the defendant *must* be guilty simply on the basis of his having believed in the Panther ideology of black liberation and armed self-defense for nearly 20 years."

What about the eyewitnesses, the murder weapon found at the scene and Abu-Jamal's total inability to discredit the prosecution evidence?

Churchill's article not only has no merit, it is a dishonest and dangerous polemic. There is enough injustice in the American legal system as in the British without people like him spreading lies and distortions of this magnitude which are likely to discredit campaigns against real injustices.

One final point, Churchill is even wrong about Abu-Jamal's last possible appeal; ten years later he is still on Death Row.

The "Racist" Jury Claim

According to Churchill, the jury at Abu-Jamal's murder trial contained eleven white members. This is a slight exaggeration. According to Mulshine, two of the jurors were black. (64) Churchill mentions Amnesty International in his essay in connection with its condemnation of the death penalty. On July 19, 1999 I wrote to Amnesty in London asking for information concerning the case of Abu-Jamal stressing that "I am particularly interested in the allegations concerning a police frame-up."

I received a letter from Allan Hogarth of the organisation's Information and Publicity Office dated 29 July 1999. Significantly his reply contains no reference to any possible police frame-up. The four main points the letter makes are that Amnesty is opposed to the death penalty - fair enough, so am I in most cases, including this one - that there has been a great deal of animosity directed towards Abu-Jamal by police officers in particular (which may in turn have prejudiced his trial and appeal); that the prosecution overplayed its hand concerning Abu-Jamal's political beliefs, and that "The jury [of 10 whites and 2 blacks] did not ethnically represent the local community [which was 40% black]".

This last is a rather weak claim, the inference being that whites would be more likely to convict and sentence a black man to death. This is nonsense. With regard to conviction, Abu-Jamal was not in the same position as O.J. Simpson whose lawyers could argue speciously (albeit successfully) that he had been framed by an all-encompassing conspiracy of racist

A TALE OF TWO CONVICTED COP KILLERS

police officers. Abu-Jamal never left the scene of the crime and there were witnesses to the event. With regard to the death penalty, Abu-Jamal would probably have had less chance of a death sentence from an all-white jury. As I write these words the Caribbean island of Trinidad is waging a campaign to hang more convicted murderers in defiance of the Privy Council in England - to which there is a right of final appeal. Blacks tend to favour the death penalty more than whites the same way working class people tend to favour it more than the middle and upper classes; there is no racial inference in this statement one way or another, it is just one of those things.

In any case, a jury doesn't have to "ethnically represent the local community", the prime concern is that a jury should be random. In practise - in Britain at any rate - certain types of people are more likely to find their ways onto juries than others. The trial of the Broadwater Farm suspects lasted for forty days; some trials last considerably longer. One should not be surprised if people who are unemployed or retired were to find their ways onto juries in such cases. In Britain, the defence can't choose a jury by actively selecting jurors as in the United States, but this is something which cuts both ways: if the defence has the right to exclude certain jurors on the basis of race or whatever, then so does the prosecution. One could also argue that if a jury was selected deliberately to "ethnically represent the local community" that it wouldn't be random!

Another weak claim, by Leonard Weinglass, is that "The prosecution's guilt-phase summation violated Mr. Jamal's right to due process. The prosecution invited the jury to draw a negative inference from Mr. Jamal's decision not to take the witness stand." (65) An entirely proper inference in my humble opinion.

The jury's sentencing Abu-Jamal to death may have had something to do with his obvious contempt for them. In his letter to the *Journalist* (already cited), Jeffrey Blyth points out that Abu-Jamal called his court appointed lawyer a baboon and a shyster, the jury a pack of racists and the judge a hangman. He adds that "Abu Jamal's case has been investigated by many journalists, of who few appear to be convinced of his innocence."

But that doesn't stop Weinglass and Abu-Jamal's noisy coterie from banging the drum of police fit-up. The motive behind this isn't at all obvious, but Paul Mulshine has Weinglass sussed.

Abu-Jamal was back in the news recently when a former prison visitor, Philip Bloch, claimed in the magazine *Vanity Fair* that in an unguarded moment seven years ago he had admitted shooting Daniel Faulkner. (66) This puts the man himself in a difficult position because he cannot publicly deny that he shot Faulkner. As Mulshine points out, Abu-Jamal has never actually denied the killing, including at his trial. All the talk about fit-ups and a mystery gunman emanates not from Abu-Jamal but from others and is window dressing, part of a fund-raising stunt engineered by his supporters to win a retrial. "In the event that he and his supporters outside the courtroom manage to win a retrial, Weinglass is likely to admit the obvious: that Jamal shot Faulkner." (67) He could then plead guilty to manslaughter and if sentenced to say fifteen years, he would walk free time served.

In the meantime though if he claims that he didn't kill Faulkner, that could be used against him in any future retrial. Although some media dupes have been convinced and have called for a retrial, (68) Abu-Jamal's chances are somewhere between zero and minus one. The reason for that is that in the United States as here, before a retrial can be ordered there must be not just proof of procedural or factual error but substantial grounds for believing that in the absence of such error there would be a possibility of the verdict being reversed. (69) There is no realistic possibility of that, so Abu-Jamal's goose is cooked.

The Bottom Of The Barrel

There appears to be no limit to the depths to which some lawyers will sink. According to Bissinger, Weinglass is currently working on a ridiculous conspiracy theory - for want of a better phrase - which is nothing more than scurrilous gossip (which he may well have invented himself). This is that Faulkner was set up for execution by his own department. Bissinger refers to this as "a certain desperation on the part of the defense". (70)

Abu-Jamal And Silcott

Incarceration on Death Row in the United States is not a pleasant fate for anyone. At the time of writing Abu-Jamal has been on Death Row for over a decade and a half, which does rather make a mockery of its name. Perhaps Psychological Torture Row would be a better one? All the same, it is difficult to have any sympathy at all with Abu-Jamal because he is the author of his own misfortune. Mulshine points out that if he had told the truth and allowed his lawyer to do his job he would not have been sentenced to death and would quite likely be a free man by now. (71) If he would have escaped with third-degree murder or manslaughter.

In spite of Abu-Jamal's proven track record of animosity towards the police and in spite of the murder of Daniel Faulkner being inexcusable, it was not a premeditated act in the sense that he set out to kill Faulkner or anyone else that night. Clearly he didn't. A verdict of second degree murder would I think have been appropriate, or at worse a verdict of first degree murder with a life sentence. The current writer is opposed to the death penalty, by and large, and most people who believe in the death penalty have some reservations about its use. Certainly there is a case for restricting the death penalty only to the very worse types of murder, which clearly this wasn't.

Likewise it is difficult to have any sympathy with Winston Silcott, in spite of his eventual acquittal for the murder of Keith Blakelock. Silcott too claims to be a political prisoner, and that although he was convicted of the murder of Anthony Smith he is in reality serving a life sentence for the murder of Keith Blakelock. (72) This is not true, even though Silcott was the victim of "noble cause corruption". (73) This practice is widely endorsed not only by the police but by many members of the public; the argument goes something like this: Silcott and people like him deserve to be taken off the streets; they are a menace to society, if Silcott didn't murder Keith Blakelock he murdered someone else, and if he didn't murder anyone he is the sort of person who would if given the chance.

There is some merit in part of this argument; Silcott does have an appalling criminal record in spite of his being rightly acquitted of the murder of Leonard McIntosh. In his book on the case, *Observer* journalist David Rose (74) does his best to whitewash Silcott and goes as near as he can to absolve him of the murder of Anthony Smith, yet by his own admission Silcott habitually carried a knife and was not shy about using it. Moreover, Anthony Smith suffered truly appalling injuries: his face and abdomen were slashed, he had a lacerated lung and he'd been stabbed in the heart. (75) It is difficult to reconcile such injuries with Silcott's claim of self-defence - he denied the killing at first, of course - and for all the talk of *racism* which this case generated, Silcott has never shown the slightest remorse or regret for the death of Anthony Smith, a fellow black man.

Winston Silcott would probably be viewed by many people as a worthy case of "noble cause corruption"; the real problem with "noble cause corruption" though is that it is a slippery slope; Mark Braithwaite and Engin Raghup who were convicted and sentenced to life along with Silcott were neither career criminals nor knife-wielding psychos, they just happened to

A TALE OF TWO CONVICTED COP KILLERS

be in the wrong place at the wrong time, and then only maybe. Both men were none too bright - to put it mildly. (76) And let us not forget that at the beginning of the trial there were three juveniles in the dock along with these three men. This is the real face of "noble cause corruption".

While there are many disturbing features of the Tottenham Three case there are none with regard to the open and shut case of Mumia Abu-Jamal, except the way damned liars with political and racial agendas have duped large tranches of the public with the constant refrain of a murderer's innocence in the face of overwhelming evidence to the contrary. Abu-Jamal's supporters have played the race card for all it is worth, in fact if Abu-Jamal had been white, no one would have batted an eyelid and he would have been sent to the chair donkey's years ago. As I said, Death Row is not a pleasant place even for a guilty man, but don't shed any tears for Mumia Abu-Jamal; he and he alone is the author of his misfortune. There are countless young black men in gaol in America and Britain, many of whom are every bit as guilty as Abu-Jamal, and all of whom are more deserving of your sympathy.

Appendix: Derek Bentley - A Waste Of Space (77)

After nearly half a century of campaigning, the Bentley family has finally secured not only a pardon but a hand out for the supposed injustice meted out to their imbecile relative who was sentenced to death and executed for the murder of PC Miles while Christopher Craig, who actually pulled the trigger, escaped the hangman on account of his youth. Bentley has been portrayed by his family as a victim in the same manner as Winston Silcott - framed for the murder of PC Keith Blakelock - or even as Stefan Kiszko - the tragic, "vulnerable" man who spent the best years of his life in gaol branded a child rapist and murderer because forensic evidence that would have exonerated him was suppressed by police officers and a forensic scientist.

The "injustice" allegedly perpetrated against Derek Bentley is not in the same category as the misfortunes of either of these men. Bentley went out with his youthful chum Craig with a loaded gun, and during the course of committing a felony, Craig shot and killed a totally innocent police officer. When two men go out armed with a common purpose and one of them commits a murder during the course of committing a felony, they can both rightly be convicted of murder. Why else carry a loaded gun? There is the manufactured controversy over "Let him have it, Chris". But if Bentley had really intended his chum to give up he could have shouted something like "Put the gun down, Chris".

As for Bentley's supposed mental deficiency, he was certainly of low intelligence, (he was 19 years old with a mental age of 11), but since when has a low mental age absolved responsibility for murder? The child killers of James Bulger - Robert Thompson and Jon Venables - were not even eleven years old when they committed their terrible crime, but no reasonable person would suggest they were not culpable.

True, PC Miles was not a two year old boy who was abducted, sadistically tortured then callously put to death, but he had a right to life, and it is an insult to his memory that the heirs of one of his killers should be paid "compensation" for what was without doubt a totally unnecessary and unprovoked murder, and one which would most certainly not have happened if Derek Bentley had refused his chum Craig's invitation to burglary and carrying a loaded firearm with intent. The death sentence on Bentley may have been harsh, but he was no victim, and neither he nor his family should profit from his crime.

Postscript

Since the first draft of this short monograph was completed there have been developments in both cases. Abu-Jamal's final appeal (his final final appeal?) has been dismissed and a new date set for his execution: December 2, 1999. It seems likely however that he will be with us well into the next millennium.

In the Silcott case there was mock outrage when the Metropolitan Police agreed an out-of-court settlement with Silcott's lawyers for £50,000 over the Blakelock fit-up. Now that he has some assets there have been suggestions that the widow of Keith Blakelock will bring a civil action against him. Any such action would be ill-advised and would surely be struck out.

Writing in the *Daily Mirror* on October 17, Glen Smyth, Chairman of the Metropolitan Police Federation, argued that Silcott should never have been granted bail in the Anthony Smith case: "If the decision had been taken to keep Winston Silcott in custody for a murder for which he is now serving a life sentence, Keith Blakelock would probably still be alive today." Yeah, sure. He continued: "One thing's for certain, Silcott certainly made sure he never gave evidence in this case."

The reasons Silcott never gave evidence at the Broadwater Farm murder trial have been spelled out here in some detail, and Smyth obviously knows these reasons; his comments are beneath contempt. Silcott himself wanted to give evidence, as he explained in 1994, and as I have pointed out here. He got his reward for following his legal team's advice, and Barbara Mills got hers, until she was forced to resign for refusing to prosecute bent coppers. Glen Smyth obviously knows about that too.

Notes And References

- (1) For the benefit of overseas readers (and future generations?) Harry Roberts was a former soldier turned career criminal who gunned down three police officers in the Braybrook Street Massacre of August 12, 1966. Peter William Sutcliffe (the Yorkshire Ripper) was convicted of the murders of thirteen women, mostly prostitutes; he is now insane. Myra Hindley was the partner of fellow child killer Ian Brady (known collectively as the Moors Murderers); she has often been the subject of sensationalist reporting due both to the enormity of her crimes and to the misguided campaign by upper class do-gooders and half-wits to secure her release.
- (2) The term "race card" appears to have come into common usage in the wake of the acquittal for double murder of O.J. Simpson due to the outrageous antics of Simpson's legal team who, with a little help from police perjury, secured their client's acquittal in the face of overwhelming evidence of guilt by presenting him as the victim of a police frame-up for racially motivated reasons.
- (3) Braithwaite and Raghup were freed by the Court of Appeal on November 27, 1991; their murder convictions were quashed December 5, 1991.
- (4) See for example *Tests bring hope for Silcott appeal*, by John Mullin, published in the *Guardian*, [CD-ROM version], July 15, 1991, page 2. According to this report the "evidence" against Silcott was an "unsigned interview".
- (5) See for example *Silcott and a system in the dock*, published in the *Guardian*, [CD-ROM version], November 26, 1991, page 22. (This article refers to Keith Blakelock as Colin Blakelock and to Mrs Cynthia Jarrett as Cynthia Jarman, but the then ongoing case was reported widely in all newsmedia).
- (6) For it is easier for a camel to pass through the eye of a needle than it is to bring a bent copper to justice.
- (7) *Detectives to be tried*, published in the *Guardian*, [CD-ROM version], July 13, 1992, page 2.
- (8) *Silcott 'confession' detective retires*, by David Rose, published in the *Observer*, [CD-ROM version], November 27, 1994, page 8.
- (9) *The Voice*, December 3, 1991, No. 475, page 5.
- (10) *Broadwater detective guilty*, by David Rose, published in the *Guardian*, [CD-ROM version], June 5, 1990, page 1.
- (11) See *The Law Magazine*, 27 March 1987, pages 5-6 and the *Times*, March 20, 1987, page 3.
- (12) *FREE MUMIA ABU JAMAL*, published in *CARF*, December 98/January 99, page 11.
- (13) *CARF* is an acronym for Campaign Against Racism and Fascism.
- (14) Abu-Jamal's surname is spelt both with and without the hyphen; he was born Wesley Cook.
- (15) Re his conviction for the murder of Anthony Smith, "At his trial in 1986, Silcott denied the killing, but now claims he acted in self-defence..." (*Silcott is refused murder appeal*, by Richard Ford, published in the *Times*, [CD-ROM version], July 22, 1997, page 4).
- (16) The aforementioned leaflet refers to Abu-Jamal's career as a radio journalist in the present tense.
- (17) Downloaded from *FREE MUMIA* at

<http://www.geocities.com/CapitolHill/8533/MUMIA.HTML>. This precis was apparently penned by Robert Meeropol, the son of Julius and Ethel Rosenberg who were executed in Sing Sing in June 1953.

- (18) *RACE FOR JUSTICE: MUMIA ABU-JAMAL'S FIGHT AGAINST THE DEATH PENALTY*, by Leonard Weinglass, Introduction by E.L. Doctorow, published by Common Courage Press, Monroe, Maine, (1995), page 4.
- (19) Weinglass, *Race For Justice*, page 15, (ibid).
- (20) Weinglass, *Race For Justice*, page 20, (ibid).

A TALE OF TWO CONVICTED COP KILLERS

- (21) Weinglass, *Race For Justice*, page 30, (ibid).
- (22) Weinglass, *Race For Justice*, pages 35 & 38, (ibid).
- (23) Weinglass, *Race For Justice*, pages 35-6 & 160, (ibid).
- (24) Weinglass, *Race For Justice*, page 161, (ibid).
- (25) *POLICEMAN'S DEATH STIRS RACE TENSION*, published in the *New York Times*, Sunday, December 13, 1981, (LATE CITY EDITION), page 35.
- (26) *Free Mumia?*, by Paul Mulshine, is pages 29-44 of *THE "RACE" CARD: WHITE GUILT, BLACK RESENTMENT AND THE ASSAULT ON TRUTH AND JUSTICE*, Edited by Peter Collier and David Horowitz, published by Prima Publishing, Rocklin, CA, (1997). See page 32.
- (27) *The Journalist*, August/September 1995, page 19.
- (28) Letter from Jeffrey Blyth published in the *Journalist*, October/November 1995, page 5.
- (29) This dates from the case *McKenzie v McKenzie* [1970] although the principle actually goes back a lot further.
- (30) In child sex abuse cases an accused may no longer cross-examine his accuser in person, something any defendant would be ill-advised to do in any case in view of the hysteria such cases always generate. More recently there have been suggestions that an accused should be denied the right to cross-examine his alleged victim in rape cases. This resulted from two high profile cases in which the perpetrators: Ralston Edwards (in 1996) and Milton Brown (in 1998) conducted their own defences and conducted "improper cross-examination". Both men were convicted and received heavy sentences. Brown's case is now the leading case on cross-examination by defendants in person in rape cases.
- (31) Mulshine, *Free Mumia?*, page 32, (op cit).
- (32) Mulshine, *Free Mumia?*, page 30, (ibid).
- (33) *The Case of Mumia Abu-Jamal: Political prisoner denied new trial after 16 years on death row*, by Fred Mazelis, published on World Socialist Web Site; the article is dated 18 November 1998.
- (34) *MUMIA ABU-JAMAL, CELEBRITY COP KILLER*, by Lynne Abraham, published in the *New York Times*, Late Edition Final, [CD-ROM], August 13, 1995, Section 4, page 15.
- (35) Actually they don't say that, what they say is that he was denied sufficient funding, which is not quite the same thing.
- (36) Mulshine, *Free Mumia?*, page 38, (op cit).
- (37) See *R v Turnbull and others*, published in the *ALL ENGLAND LAW REPORTS*, (1976), VOL. 3, pages 549-60. Turnbull and his co-defendant had their appeals dismissed, and rightly so, but two other appeals which were heard at the same time, *R v Roberts* and *R v Whitby*, were successful.
- (38) See page 37 of *THE FAMOUS AND THE DEAD*, by Buzz Bissinger, published in *VANITY FAIR*, August 1999, No 468, pages 32-9.
- (39) Weinglass, *Race For Justice*, page 56, (op cit).
- (40) Abraham, *New York Times*, August 13, 1995, (op cit).
- (41) Bissinger, *The Famous And The Dead*, page 36, (op cit).
- (42) In the Nickell case the police went way over the top when they tried to fit up a local oddball, going to the extraordinary lengths of using an undercover temptress to encourage him to confess. The "case" against Colin Stagg was never heard by a jury. In the Russell case, a mentally disturbed man named Michael Stone was convicted of the grisly double murder; at the time of writing his conviction is under appeal and it is widely believed - including by senior police officers - not only that he will win his appeal but that he is not the man responsible. The "case" against Stone was built almost totally on unreliable confessions he is alleged to have made to people of dubious character, one of whom has since been charged with perjury.
- (43) PACE came into force January 1, 1986, shortly after Silcott and company were fitted up.

A TALE OF TWO CONVICTED COP KILLERS

- (44) According to crime reporter (the appropriately named) Tim Crook, the trial of Winston Silcott for the murder of Anthony Smith was censored by Section (4)2 of the Contempt of Court Act: "Not one word of this case was published anywhere before the trial for murdering PC Blakelock." And during the former case, no reference was permitted to the then forthcoming Blakelock trial. [Letter from Tim Crook published in the *Journalist*, August/September 1995, page 5].
- (45) *Winston Silcott: from the inside speaking out*, by Tessa Mayes, published in the *Guardian*, [CD-ROM version], August 13, 1994, page 23.
- (46) Mills finally resigned in 1998 after sustained pressure.
- (47) *A CLIMATE OF FEAR The Murder of PC Blakelock and the Case of the Tottenham Three*, by David Rose, published by Bloomsbury, London, (1992), pages 156 and 159.
- (48) Rose, *A Climate Of Fear*, page 156, (ibid).
- (49) Bissinger, *The Famous And The Dead*, page 36, (op cit).
- (50) But see below re Abu-Jamal's failure to actually deny the killing.
- (51) Or on the stand, as they say in America.
- (52) Bissinger, *The Famous And The Dead*, page 36, (op cit).
- (53) According to Bissinger, Cook's words at the scene were "I ain't got nothing to do with it."
- (54) Bissinger, *The Famous And The Dead*, page 37, (ibid).
- (55) Bissinger, *The Famous And The Dead*, page 35, (ibid).
- (56) From *THE "RACE" CARD*, page 25, (op cit).
- (57) *The COINTELPRO Papers: Documents from the FBI's Secret Wars Against Domestic Dissent*, by Ward Churchill and Jim Vander Wall, Foreword by John Trudell, Preface by Brian Glick, published by South End Press, Boston, MA, (1990), pages 319-20.
- (58) Mulshine, *Free Mumia?*, pages 39-40, (op cit).
- (59) Mulshine, *Free Mumia?*, page 38, (ibid).
- (60) One of the criticisms levelled at the police is that the gun wasn't tested to see if it had been fired recently. When asked how a gun is so tested Weinglass replied "You just smell it", to which Mulshine retorts cynically "Wonderful: His client was literally caught with a smoking gun, so he criticizes the police for not smelling the smoke."
- (61) Mulshine, *Free Mumia?*, page 39, (ibid).
- (62) *THE SHADOW OF THE PANTHER: HUEY NEWTON AND THE PRICE OF BLACK POWER IN AMERICA*, by Hugh Pearson, published by Addison-Wesley, New York, (1994), pages 4 and 221.
- (63) See for example *a black and white case*, by Alix Kirsta, published in *the times magazine*, 29 May 1999, pages 24-5, 27-8 & 30-1.
- (64) Mulshine, *Free Mumia?*, page 32, (op cit).
- (65) Weinglass, *Race For Justice*, page 171, (op cit).
- (66) *Death row inmate defended by stars 'admits' cop killing*, by Martin Kettle, published in the *Guardian*, July 10, 1999, page 16. [This is where I first learned of the *Vanity Fair* article].
- (67) Mulshine, *Free Mumia?*, page 39, (op cit).
- (68) In 1995 a Channel 4 TV programme was devoted to this case. A review in the *Guardian* claimed that "The programme did not clear Jamal but raised enough questions in one's mind to doubt the safeness of the original conviction. The stay of execution granted to Jamal on Wednesday opens the way for a retrial." * The *Journalist* reported that Abu-Jamal had won a retrial; ** this was wishful thinking.
- * *Rough justice meted out in the land of the free*, by Stuart Jeffries, published in the *Guardian*, [CD-ROM version], August 11, 1995, page 9.
- ** *Journalist*, August/September 1995, page 19.
- (69) In England, on conviction in the Magistrates Court there is an automatic right of appeal to the Crown Court where the case will be heard by a judge sitting with two magistrates. A

A TALE OF TWO CONVICTED COP KILLERS

conviction on indictment can be appealed to the Court of Appeal, Criminal Division, but first, leave must be obtained.

(70) Bissinger, *The Famous And The Dead*, page 38, (op cit).

(71) Mulshine, *Free Mumia?*, page 44, (op cit).

(72) Mayes, Silcott interview, the *Guardian*, August 13, 1994, page 23, (op cit).

(73) Which is defined by the Police Complaints Authority as "the use of dishonest practices to secure convictions or boost performance figures".

(74) I have some experience of Rose from another - and totally unrelated matter - and it is my experience that not everything he says is to be taken at face value, to put it mildly. He is also a little on the gullible side.

(75) Rose, *A Climate Of Fear*, page 230, (op cit).

(76) According to Rose, Braithwaite was very poorly educated and only learned to read properly while in prison. * Raghip was said to have had a mental age of ten and to have been highly suggestible. ** At the time of the trial both Braithwaite and Raghip were twenty years old, *** so lost the best years of their lives.

* Rose, *A Climate Of Fear*, page 200, (ibid).

** *The Voice*, December 3, 1991, No. 475, page 5.

*** *The Times*, March 20, 1987, page 2.

(77) This was originally written as a stand alone article.

Abu-Jamal: Icon Or Cop-Killer?

On Death Row since the early 80s, Mumia Abu-Jamal has become a virtual living saint for "radicals" and opponents of the death penalty. The story of how campaigning black journalist and social activist Abu-Jamal was framed by the *racist* Philadelphia Police Department for a murder he didn't commit has been reported widely in the left press, the mainstream media, the Internet and the WorldWideWeb. The campaign to win a retrial for Abu-Jamal has been supported by media personalities such as actress Whoopie Goldberg and musician Sting, and orchestrated on three continents.

Though Abu-Jamal remains on Death Row, another campaign to clear a young black man convicted of murdering a police officer was ultimately successful. In November 1991, Winston Silcott was cleared by the Court of Appeal of the murder of PC Keith Blakelock during the now notorious Broadwater Farm riot of October 1985. Silcott's unsigned so-called confession had been made up out of the whole cloth by corrupt police officers; the confessions of his co-accused were extracted by holding these none-too-bright youths incommunicado for up to twelve days.

Some people might be tempted to draw comparisons between Mumia Abu-Jamal and Winston Silcott; the sad truth though is that the only thing Abu-Jamal and Silcott have in common is an inability to face up to their crimes: Abu-Jamal was convicted of the murder of officer Daniel Faulkner on overwhelming evidence, and Silcott, although framed for the murder of PC Blakelock, lingers in gaol rightly convicted of the brutal knife murder of a young boxer.

This comparative study exposes the lies of the Abu-Jamal camp, the whitewashing of Silcott by *Observer* journalist David Rose, and the mendacity of the Metropolitan Police, a mendacity which even British judges in their ivory towers are coming increasingly to recognise.

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